

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

E-Filed on 7/30/07

Susan M. Freeman AZ State Bar No. 004199  
Email: sfreeman@lrlaw.com  
Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,  
USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**Objection Of The USACM Liquidating Trust  
To John & Colleen Weaver's Claim Asserting  
Secured Status**

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Hearing Date: October 15, 2007  
Hearing Time: 9:30 a.m.

John & Colleen Weaver filed Proof of Claim No. 10725-02466 against USA Commercial Mortgage Company ("USACM"). The Proof of Claim asserts a secured claim. The USACM Liquidating Trust (the "USACM Trust") hereby objects to John & Colleen Weaver's assertion that the claim is secured by a valid lien on USACM property and moves this Court, pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure, for an order reclassifying Claim No. 10725-02466 as a general unsecured claim. The USACM Trust is not, by this filing, objecting at this time to any of the claims as unsecured claims or on grounds that the claims were untimely filed, but

1 reserves the right to do so. The basis for this Objection is fully explained in the USACM  
2 Liquidating Trust's Motion for Summary Judgment Regarding (1) Responses to the  
3 USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a  
4 Secured Status; (2) Responses to the USACM Trust's First through Third Omnibus  
5 Objections to Claims Asserting a Priority Status; And (3) Newly Alleged Secured And  
6 Priority Claims (the "Motion"), filed today. The USACM Trust will serve a copy of the  
7 Motion with this objection.

8 Dated: July 30, 2007.

9  
10 **LEWIS AND ROCA LLP**

11 By: /s/ RC (#6593)

12 Susan M. Freeman, AZ 4199 (*pro hac vice*)

13 Rob Charles, NV 6593

14 John Hinderaker, AZ 18024 (*pro hac vice*)

15 3993 Howard Hughes Parkway, Suite 600

16 Las Vegas, Nevada 89169-5996

17 Facsimile (702) 949-8321

18 Telephone (702) 949-8320

19 Email: RCharles@LRLaw.com

20 *Counsel for USACM Liquidating Trust*  
21  
22  
23  
24  
25  
26